

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

JEREMY JOSEPH,

Defendant.

23-CR-68 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

On November 2, 2023, Defendant filed a letter motion for a court-ordered subpoena for the medical records of his mother, Stella Lucille Joseph. (ECF No. 31.) On November 6, 2023, the Government filed a letter in opposition to Defendant’s motion. (ECF No. 37.)

A party seeking a court-ordered subpoena for documents under Rule 17(c) of the Federal Rules of Criminal Procedure “must make a preponderance showing that the materials requested are relevant, specifically identified, admissible, and not otherwise procurable by the exercise of due diligence.” *United States v. Barnes*, 560 F. App’x 36, 39-40 (2d Cir. 2014) (citing *United States v. Nixon*, 418 U.S. 683, 699-700 (1974)).

Defendant has failed to meet his burden of demonstrating that the requested subpoena meets this standard. First, Defendant has not shown that these documents are relevant to the charges at issue. The charges pertain to interstate communications that threatened physical harm to two victims, in violation of 18 U.S.C. § 875. The Defendant has not provided any rational basis for concluding that his mother, her death, or her medical records have any relevance to the charges in this case or to any defense. Records related to her medical condition or her death are therefore not a proper basis for a Rule 17 subpoena.

Second, Defendant's proposed subpoena does not seek specifically identifiable pieces of evidence, but instead broadly seeks "medical records of his mother." And third, Defendant has failed to establish the admissibility of the documents in the proposed subpoena.

Accordingly, Defendant's motion for a court-ordered subpoena is denied.

The Clerk of Court is directed to close the motion at ECF No. 31.

SO ORDERED.

Dated: November 16, 2023
New York, New York



J. PAUL OETKEN
United States District Judge